

## **DELEGATION AGREEMENT**

**Between**

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**And**

**THE CITY OF FLAGSTAFF**

Delegation Agreement # 00-0017

Whereas A.R.S. § 49-107, authorizes the Director of the Arizona Department of Environmental Quality (ADEQ) to delegate to a local environmental agency, health department or municipality or county board of health established under Title 36, Chapter 1, Article 3, any functions, powers, and duties which the Director believes can be competently, efficiently, and properly performed by the local agency, and

Whereas the City of Flagstaff is a local agency (hereinafter referred to as LA) as set forth in A.R.S. § 49-107, and

Whereas the LA is required by A.R.S. § 49-106 to enforce and observe rules adopted by ADEQ and laws of the State of Arizona pertaining to the preservation of public health and protection of the environment, and

Whereas A.R.S. § 9-240, and A.R.S. § 11-952 authorizes the City Council (and by delegation the LA, where LA is a municipality) to enter into contracts as necessary to assist LA in exercising its powers, and

Whereas the LA deems that it is in its best interests to accept such delegation,

Therefore, the Director of ADEQ delegates to the LA, and the LA agrees to accept the delegation of authority to perform those functions and duties described in Appendix A for Wastewater and Drinking Water Delegations, of this Agreement on behalf of ADEQ and in accordance with the terms and conditions contained herein.

**A. DELEGATED FUNCTIONS, POWERS AND DUTIES**

1. The functions, powers and duties that are delegated by this Agreement are identified in Appendices A. Delegated enforcement authorities are identified in section G. All functions, powers and duties not specifically delegated in this Agreement are retained by ADEQ.

**B. STANDARDS OF PERFORMANCE**

1. The standards of performance required to adequately perform the delegated functions, powers and duties and fulfill the terms of the agreement are the same as those expected of ADEQ personnel. ADEQ policies and guidance should be used in implementing the delegated functions. ADEQ'S program-specific performance expectations are identified in the Appendices.
2. ADEQ shall provide LA with periodic training. LA personnel will be invited to attend ADEQ internal compliance and enforcement training, which will be offered at least twice during an annual year. ADEQ will provide operating guidance for use in implementing the terms of this Agreement within 90 days after execution of this Agreement. New or updated guidance will be provided to LA within 30 days after the effective date of the guidance. The guidance will, at a minimum, include ADEQ Engineering Bulletins, ADEQ Program Guidance Memoranda, copies of all applicable forms, policies and procedures, a bibliography of third party design publications, and other material that may assist the LA in making decisions necessary to carry out the functions, powers and duties contained in this Agreement. LA should contact ADEQ for clarification or guidance on procedural or technical issues.

**C. TYPES OF FEES**

1. To the extent permitted by law, ADEQ delegates fee setting authority for delegated programs. Any fees imposed by LA shall be limited to the cost of service, including all direct and indirect costs. Fees are authorized by, and shall conform to the requirements of A.R.S. §11-251.08, A.R.S. §49-112, A.R.S. §36-187 (if LA is a county health agency); A.R.S. §49-104(B)(7), 49-104(B)(13), 49-203(A)(7), 49-361(2), 49-362(A)(7), A.A.C. Title 18, Chapter 14, Article 1 (water quality fees).
2. All fees collected by LA pursuant to this section shall be retained by the LA in

consideration for performing the functions described in this agreement.

**D. QUALIFICATIONS OF PERSONNEL OF LOCAL AGENCY RESPONSIBLE FOR EXERCISING THE DELEGATED FUNCTIONS, POWERS AND DUTIES.**

1. The required qualifications for personnel responsible for exercising the delegated functions, powers and duties are identified in Appendix A for Wastewater and Drinking Water Delegations.

**E. RECORD KEEPING AND REPORTING REQUIREMENTS**

1. LA agrees to prepare and maintain records relating to the performance of the activities specified in this Agreement, for a period of five years, from the date of expiration, termination or cancellation of this Agreement or from the date of complete resolution of any dispute and any applicable appeals unless a longer period is required by statute or rule.
2. LA shall, submit reports on the LA'S delegated activities to ADEQ in accordance with Appendix A.
3. The LA will transmit the activity reports to ADEQ as described in Appendix A.

**F. OVERSIGHT ACTIVITIES**

1. Because ADEQ retains ultimate responsibility for LA's activities under this agreement, ADEQ reserves the right to accompany LA personnel on inspections and may review all records relating to the performance of the activities set forth in this Agreement. Where practicable, ADEQ will provide prior notice to LA of its intent to accompany LA employees on inspections. LA representatives may accompany ADEQ inspectors on inspections for purposes of training, information sharing or to coordinate LA and ADEQ activities.
2. At least once during the term of this delegation agreement, each ADEQ delegating program shall conduct an evaluation of the delegated responsibilities. More frequent evaluations may be undertaken at the request of either party to this Agreement. The draft results of all program evaluations shall be in writing and shall be communicated to the LA in draft. LA shall be entitled to comment on the draft report. After response to comments, ADEQ shall finalize the report and transmit copies to LA and the ADEQ Government Agreements Officer. The results of all program evaluations are public documents pursuant to A.R.S. §39-121 et seq.

3. If the transfer of funds from ADEQ to the LA occurs under section G.5, ADEQ shall conduct a financial audit of the LA's use of these funds at least once every two years. Audits shall be conducted in accordance with generally accepted accounting principles.

#### **G. DELEGATION OF ENFORCEMENT AUTHORITIES; LOCAL AGENCY OBLIGATIONS**

1. In carrying out its duties under this Agreement, LA shall comply with the provisions of A.R.S. §§49-106, and observe and enforce the rules of ADEQ and laws of the State of Arizona pertaining to the preservation of public health and protection of the environment, to the extent delegated in this agreement.
2. LA is hereby delegated the enforcement authorities set forth in A.R.S. §§ 49-261-62, 49-354 A-B, 49-362 E-G. The LA shall be responsible for initiating timely and appropriate enforcement actions against individuals and facilities to resolve violations of statutes and rules delegated in this Agreement. LA agrees to the extent practicable, to conduct enforcement actions in accordance with ADEQ policy. ADEQ shall provide LA with applicable compliance and enforcement policies. ADEQ retains sole authority to take enforcement action against any individual, facility or violator covered by this Agreement or, at its discretion, to refrain from exercising such authority if enforcement action taken by LA is timely, appropriate and effective. Except in a case involving an imminent health hazard (i.e. an immediate threat to the public health, safety or environment), ADEQ agrees to give LA 30 days written notice of its intent to initiate an enforcement action if LA fails to do so. In cases involving imminent health hazards, ADEQ will notify LA prior to undertaking such an enforcement action.
3. When conducting enforcement actions using the delegated functions, powers and duties, LA shall conduct administrative hearings in accordance with Office of Administrative Hearings, Rules of Procedure, A.A.C. R2-19-101 et seq. and the Arizona Administrative Procedures Act, A.R.S. §41-1001 et seq. LA shall use administrative law judges provided by the Office of Administrative Hearings or where such judges are not available, LA shall use hearing officers approved by the ADEQ Director. If an OAH administrative law judge is used in an administrative hearing, ADEQ will pay for any OAH hearing related costs. LA's Attorney shall represent LA at all administrative hearings.
4. The provisions of A.R.S. § 41-1009 are not applicable to inspections conducted by the LA pursuant to this agreement.
5. ADEQ may transfer funds to LA to carry out the purposes of this Agreement.

#### **H. LICENSING TIME FRAMES**

1. Licenses, as defined by A.R.S. §41-1001, issued by the LA pursuant to this agreement are not subject to A.R.S. Title 41, Article 7.1.

**I. CONFLICT RESOLUTION PROCEDURES**

1. Should a conflict arise between the parties to this Agreement, resolution shall be through arbitration by a mutually acceptable third party. Each party shall bear its own arbitration fees, attorney's fees and costs. The decision of the arbitrator is final and binding upon the parties.

**J. DELEGATION TO OTHER LOCAL AGENCIES AND SUBDELEGATION**

1. LA may only subdelegate the functions powers and duties delegated pursuant to this Agreement to another local government agency or political subdivision with the prior written approval of ADEQ. Written approval may be provided by the Director, Deputy Director or appropriate Division Director.

**K. AMENDMENT PROCEDURES**

1. All amendments shall be in writing, shall be executed by the Director of ADEQ, the Mayor of the LA, the Clerk of the LA City Council and be approved as to form by the Attorney General and the LA City Attorney. All amendments shall be filed with the Secretary of State. All amendments shall be effective on the date of filing with the Secretary of State.

**L. TERMINATION AND SUSPENSION PROCEDURES**

1. This Agreement may be terminated or suspended in whole or in part by either party, upon providing 30 days' advance written notice by certified mail to the other party.
2. The LA shall, prior to the termination of all or part of this Agreement, forward to the ADEQ Director all files, public documents or pending applications received by the LA for those functions, powers, and duties being terminated and a summary status report of those functions, powers, and duties, and shall provide written notification to all persons with pending applications and to all regulated facilities affected by such termination.
3. The cancellation provisions of ARS Section 38-511, the terms of which are hereby incorporated herein, shall apply to this Agreement.

**M. TERM OF AGREEMENT**

1. The effective date of this Agreement is the date of filing of this Agreement with the Secretary of State. The expiration date of this Agreement is June 30, 2005. In the event

a new Agreement is not executed by that date, this Agreement may be extended by mutual agreement of both parties by filing an amendment in accordance with the provisions of A.R.S. § 41-1081.

**N. NAME AND ADDRESS OF PRIMARY CONTACT PERSONS**

1. Department of Environmental Quality  
Mark R. Santana  
Administrative Counsel  
3033 N. Central Avenue  
Phoenix, Arizona 85012
  
2. Ronald D. Spinar, P.E.  
City Engineer  
City of Flagstaff Engineering Division  
211 W Aspen Ave  
Flagstaff, AZ 86001  
  
520-779-7685 Ext 218

**Appendix A**  
**City of Flagstaff**  
**Water Quality Management**

**A. Delegated Responsibilities:**

The LA agrees to perform those water quality management functions and duties which are indicated in the first column of the following table. Applicable rules include both those that authorize the described activities and those that are to be enforced during the conduct of those activities.

Dele- gated ?	Functions and Duties	Applicable Rules	Personnel Qualifications	Stds. Of Performance
	1. Issuance of approval to construct & final approval of construction for <u>Conventional Septic Tank Systems</u> , that conform to Engineering Bulletin 12	A.A.C. R18-9-801 through 806, 809 through 812, 814, 815, 819	1,2,3,4,5,6,7	1, 2, 6, 7, 8, 10, 11, 15
	2. Compliance O&M, Inspection and Enforcement of <u>Conventional Septic Tank Systems</u>	A.A.C. R18-9-801 through 803, 808, 809, 812 through 815, 819.	1,2,3,4,5,6,7	6, 7, 11
	3. Issuance of Approval To Construct and final Approval Of Construction for <u>Alternate Individual On-Site Disposal System</u> , that conform to Engineering Bulletin 12	A.A.C. R18-9-801 through 806, 809 through 812, 814, 815, 819	1,2,3*,4*,5*,6*	1, 2, 6, 7, 8, 11, 14, 15
	4. Compliance, O&M, Inspection and Enforcement of <u>Alternate Individual On-Site Disposal System</u>	A.A.C. R18-9-801 through 803, 808, 809, 812 through 815, 819	1,2,3,4,5,6	6, 7, 11, 15
<b>X</b>	5. Issuance of Approval To Construct and Approval Of Construction for <u>Sewerage Systems</u> and/or <u>Treatment Works</u> (Note A)	A.A.C. R18-9-801 through 807, 809 through 812, 814, 815, 819	1,2,3,4*,5*	1, 2, 3, 4, 5, 6, 7, 8, 15
	6. Compliance O&M Inspection and Enforcement of <u>Sewerage Systems</u> and/or <u>Treatment Works</u>	A.A.C. R18-9-801 through 803, 808, 809, 812 through 819	1, 2, 3, 4*,5*, 6*	6, 7, 11
<b>X</b>	7. Issuance of Approval of <u>Sanitary Facilities for Sub-Divisions</u> (Note B)	A.A.C. R18-5-401 through 410	1, 2	1, 2, 3, 4, 5, 13, 15
<b>X</b>	8. Enforcement of Rules governing <u>Sanitary Facilities for Sub-Divisions</u> (Note B)	A.A.C. R18-5-401 through 411	1, 2, 3, 4, 5, 6	6, 7, 8, 9

Delegated ?	Functions and Duties	Applicable Rules	Personnel Qualifications	Stds. Of Performance
<b>X</b>	9. Issuance of Approval to Construct and Final Approval of Construction for <u>Public Drinking Water Facilities</u> (Note A)	A.A.C. R18-4-101, 102, 115, 119, 220 through 223, 301 through 304, 501 through 509	1, 2, 3**	1, 2, 3, 6, 7, 9, 14, 15
	10. Operation & Maintenance Compliance Inspections of <u>Public Drinking Water Systems for systems with surface water treatment and for all other systems serving more than 50,000 people</u>	A.A.C. R18-4-101, 102, 103, 104, 112, 113, 114, 115, 116, 118, 119, 122, 123, 124, 125	1, 2	12, 16
	11. Operation & Maintenance Compliance Inspections of <u>Public Drinking Water Systems using only groundwater and serving less than 50,000 people</u>	A.A.C. R18-4-101, 102, 103, 104, 112, 113, 114, 115, 116, 118, 119, 122, 123, 124, 125	1, 2, 3, 5, 6	12, 16
	12. Monitoring & Reporting Compliance Determinations for Delegated <u>Public Drinking Water Systems</u>	A.A.C. R18-4-101 through 107, 109, through 113, 117, 120, 125, R18-4-201 through 223	1, 2, 3, 4, 5, 6, 7	16
	13. Enforcement of Delegated Drinking Water Rules Governing Construction Approvals and Operation & Maintenance Requirements <u>Public Drinking Water Systems</u>	A.A.C. R18-4-121	1, 2, 3, 4, 5, 6, 7	17
	14. Enforcement of Delegated Drinking Water Rules Governing Monitoring and Reporting Requirements <u>Public Drinking Water Systems</u>	A.A.C. R18-4-121	1, 2, 3, 4, 5, 6, 7	17
	15. Issuance of Approval to Construct and Final Approval of Construction for <u>Public and Semipublic Swimming Pools</u>	A.A.C. R18-5-201 through 250	1,2,3	1,15,18
	16. Enforcement of Rules Governing the Design and Construction of <u>Public and Semipublic Swimming Pools</u>	A.A.C. R18-5-201 through 251	1,2,3,4,5,6,7	19

\* Excludes Public Works as defined in A.R.S. §32-142 and wastewater facilities which cost more than \$12,500 (A.A.C. R18-9-804.E)

\*\* Excludes Public Works as defined in A.R.S. §32-142 and drinking water projects which cost more than \$12,500 (A.A.C. R18-4-505.B.2)

Note A: Limited to line extensions only

Note B: Limited to subdivisions with water and wastewater facilities to be dedicated to the City of Flagstaff after construction acceptance.



## **B. Exceptions and Special Provisions**

1. ADEQ will give LA an opportunity to provide concept approval prior to processing aquifer protection permit applications for facilities.
2. Functions, powers and duties of ADEQ related to the following are NOT delegated:
  - a. All areas pertaining to drinking water and wastewater facilities owned by the federal government or the State of Arizona, those owned or operated by the LA, or districts subject to the control of the LA, except as otherwise mutually agreed upon. Private facilities to be dedicated to the LA after construction completion may be reviewed by the LA if the Approval to Construct and Approval of Construction certificates are issued prior to the date of the dedication of facilities.
  - b. All areas relating to facilities built with federal construction grant funds.
3. Final approval of plans for wastewater treatment facilities designed by or for the LA or for capital improvement projects is NOT delegated. (This exception does not apply to collection lines or lift/pump stations that may be assigned or transferred to the LA.)
4. ADEQ and LA agree to co-inspect wastewater facilities, where feasible, including those subject to federal discharge permit requirements, for training and coordination purposes.

## **C. Personnel Qualifications:**

The following minimum personnel qualifications shall apply, where indicated, to individuals performing the functions and duties listed in Section A of this Appendix. Where more than one category is listed in Appendix A, the personnel may qualify under any of the categories listed.

Duties shall be performed by:

1. A Professional Engineer registered in the State of Arizona with at least 4 years experience in Sanitary Engineering or a closely related field (equivalent of ADEQ Environmental Engineer position)
2. An individual that is capable of being an Engineer-in-Training Candidate (A.A.C. R4-30-222) under the State Board of Technical Registration (equivalent of ADEQ Engineering Aid position), and who is directly Supervised by a Professional Engineer registered in the State of Arizona with at least 4 years experience in Sanitary Engineering or a closely related field.
3. A Registered Sanitarian (A.A.C. Title 9, Chapter 16, Article 4 and A.R.S. §36-136.01); or the equivalent of an ADEQ Environmental Program Specialist with 4 years applicable experience with water and/or wastewater facilities regulation, and who is directly supervised by a Professional

Engineer registered in the State of Arizona with at least 4 years experience in Sanitary Engineering or a closely related field.

4. An individual that is capable of being an Engineer-in-Training Candidate under the State Board of Technical Registration (A.A.C. R4-30-222)(equivalent of ADEQ Engineering Aid position) or a Registered Sanitarian with 4 years experience with water and/or wastewater facilities regulation.
5. A Registered Sanitarian with 4 years experience with water and/or wastewater facilities regulation.
6. A Sanitarian Aid or Sanitarian-In-Training (A.A.C. R9-16-402) with 2 years education in Public Health, Sanitary Engineering or a closely related field or a Registered Sanitarian who is directly supervised by a Registered Sanitarian with 4 years applicable experience with water and/or wastewater facilities regulation.
7. A Sanitarian Aid with 2 years education in Public Health, Sanitary Engineering or a closely related field or a Registered Sanitarian (Equivalent of ADEQ Environmental Health Specialist Series).

**D. Standards of Performance:**

The following standards of performance pertain to the functions and duties listed in Section A of this Appendix as indicated.

1. An initial review of a permit application or plan approval application must be completed within 30 days after submittal of a complete and correct application. The 30 days does not include time used by the applicant to respond to review comments.
2. Plans and specifications of new drinking water facilities, sewerage systems and/or treatment works will be reviewed for conformance with the applicable rules and with laws of the State. Plans that comply with such requirements may be approved for construction. Issuance of Approvals to Construct may be processed through the LA's central permit system. Approvals to Construct must be denied for proposed facilities for which plans and specifications do not demonstrate that the system can reasonably be expected to comply with the applicable rules.
3. No Approval of Sanitary Facilities for Subdivisions or Approval to Construct shall be issued for any project involving a water supply, sewerage system and/or treatment works which is not in compliance with ADEQ's rules governing operation and maintenance unless the purpose of such project is to bring the Facility into compliance or the Facility is on a schedule to achieve compliance, consistent with an approved administrative order or consent decree.
4. In accordance with A.A.C. R18-9-804(I) or (J), an Approval to Construct shall not be issued for any sewerage system and/or treatment works which is not in conformance with a Certified Water Quality Management Plan or Facility Plan.

5. An Approval to Construct shall not be issued for any sewerage system and/or treatment works for which an aquifer protection, reuse, underground injection control, federal discharge or sludge disposal permit is necessary until such permit(s) have been obtained or ADEQ (or the U.S. Environmental Protection Agency in the case of federal discharge permits) has provided documentation of its intent to issue such permit(s). LA shall direct the applicant to ADEQ (or the U.S. Environmental Protection Agency) to obtain the necessary permit(s). An Approval to Construct shall not be issued for any sewer line extension or lift/pump station unless there is adequate permitted capacity in the entire sewerage system, the permitted treatment works and the permitted disposal facilities to handle the proposed flow from the expansion.
6. All drinking water facilities, sewerage systems and/or treatment works approved for construction shall be inspected during construction to insure that they conform to the approved plans and specifications. In accordance with A.A.C. R18-4-506 and R18-9-804(G), any deviation from the approved plans shall be reconciled either by submission of approvable as-built plans or modification of construction to bring it into conformance with the approved plans.
7. Operation of a newly constructed water supply, sewerage system and/or treatment works shall not begin until an Approval of Construction(AOC) is issued by the LA.
8. All of the following requirements shall be satisfactorily met before an AOC will be issued by the LA on a newly constructed sewerage system and/or treatment works (A.A.C. R18-9-805(A)):
  - a. A final inspection has been completed either:
    - i. by ADEQ;
    - ii. by a registered engineer, with the approval of ADEQ (or LA)
  - b. An operator, certified by ADEQ pursuant to A.A.C. R18-5-105, at a grade appropriate for that facility, is employed to operate the system, excluding septic-tank systems.
  - c. An operation and maintenance manual is submitted to and approved by ADEQ (or LA) for new sewerage treatment systems or substantial modifications thereto.
  - d. Construction conforms to plans and specifications approved by ADEQ (or LA).
9. All of the following requirements shall be satisfactorily met before an AOC will be issued by the LA on a newly constructed water supply system, an extension to an existing public water system, or any alteration of an existing public water system which affects its treatment, capacity, water quality, flow, distribution, or operational performance (A.A.C. R18-4-507(B)):
  1. A professional engineer, registered in the state of Arizona, or a person under the direct supervision thereof, shall complete a final inspection and submit a Certificate of Completion on a form approved by ADEQ to which the seal and signature of the registrant have been affixed;
  2. The construction conforms to approved plans and specifications, as indicated in the Certificate of Completion and all changes have been documented by the submission of record drawings, pursuant to R18-4-508;
  3. An operations and maintenance manual has been submitted and approved by ADEQ (or

- LA) if construction includes a new water treatment facility; and
4. An operator, who certified by ADEQ at a grade appropriate for each facility, is employed to operate each water treatment plant and the potable water distribution system.
  10. The LA's normal septic tank permitting process may be used for conventional septic tank systems with subsurface disposal which meet the criteria for a general permit under Aquifer Protection Permit Rules. Individual disposal systems which treat primarily domestic sewage and have a design flow of less than 2000 gallons per day, and systems with capacities between 2000 and 20,000 gallons per day that meet the disposal density and vertical groundwater separation requirements contained in R18-9-126(C), meet the general permit criteria. Systems that do not meet these criteria will be reviewed by the LA, but a septic tank permit shall not be issued until an aquifer protection permit is issued by ADEQ. LA shall direct the applicant to ADEQ to obtain the necessary permit.
  11. An inspection will be performed, prior to backfill, on all septic tank systems and other on-site disposal systems to verify that construction has been completed in conformance with the approved plans. Any deviation from the approved plans shall be reconciled either by submission of approvable as-built plans or modification of construction to bring it into conformance with the approved plans. All construction shall be performed either by the owner pursuant to A.R.S. §32-1121.A.5 or by a licensed contractor pursuant to A.R.S. §32-1101 et. seq.
  12. Compliance inspections of public drinking water systems shall be performed at least once every three years, except that facilities using surface water supplies shall be inspected annually. Inspections shall cover facility operations and maintenance and compliance with applicable regulatory requirements including monitoring, reporting, public notification, operator certification, plan approval and conformance with any existing compliance schedules.
  13. New subdivisions where subsurface wastewater disposal is intended shall be reviewed for conformance with the disposal density and vertical groundwater separation requirements contained in R18-9-126(C). LA shall direct applicants with nonconforming subdivisions to ADEQ for evaluation to determine if the subdivisions design will adversely affect groundwater quality. LA shall not approve any subdivision so referred until ADEQ has determined that the subdivision design will not adversely affect groundwater quality.
  14. Alternate on-site disposal systems that conform to the delegated portion of Engineering Bulletin 12 may be reviewed and approved by a registered sanitarian. Nonconforming designs shall be reviewed by a registered engineer. If there is not a registered engineer on the LA's staff, such nonconforming designs shall be referred to ADEQ or a registered engineer retained by the LA for approval before a permit may be issued.
  15. Whenever a review of plans, specifications, design reports or construction constitutes the practice of engineering, as defined in A.R.S. § 32-101(B)(9); approvals, permits or other documents that result therefrom shall be signed by a professional engineer registered in the State of Arizona whose registration or work experience is consistent with the work approved. Accurate file records shall be maintained by the LA, for the approval decision including date, basis and stipulations, if any.

Such approvals may also be signed by a designee of the LA subsequent to the review and approval by the registrant that otherwise could sign.

16. The LA shall make compliance determinations for public drinking water systems in accordance with the Arizona Drinking Water Rules and ADEQ Compliance Procedures and/or Policies.
17. The LA shall conduct enforcement actions in accordance with ADEQ's Compliance and Enforcement Policy #0010.002. In addition, the LA shall use NOV, Administrative Orders and Satisfaction and Termination boilerplate documents as provided by ADEQ.
18. Plans and Specifications for new public or semipublic swimming pools will be reviewed for conformance with the applicable rules and with laws of the State. Plans that comply with such requirements or meet more stringent requirements of the LA may be approved for construction. Issuance of approvals to construct may be processed through the LA's central permit system. Approvals to construct must be denied for proposed facilities for which plans and specifications do not demonstrate that the system can reasonably be expected to comply with the applicable rules. Variance requests may be issued by either the State or by the County if the County has a variance Committee equivalent whose qualifications are equivalent to State rule and where the State has reviewed the request for statewide consistency.
19. The LA shall conduct enforcement actions consistent with A.A.C. R18-5-251 or more stringent requirements which are enforceable under authorities of the LA.

**E. Reporting Requirements:**

The LA shall submit the following information on forms provided or approved by ADEQ:

1. One copy of each inspection report for a delegated facility with an individual aquifer protection permit shall be sent to the appropriate ADEQ field engineer office (NRO, SRO or Phoenix Water Quality Enforcement Unit) within five working days of the end of the month that the report was completed. These reports shall follow a format similar to ADEQ's inspection report and the Field Inspection Checklist for Operation and Maintenance of the facility.
2. Copies of each administrative, civil, or criminal action initiated under this Agreement shall be sent, within five working days of the end of the month that the action was taken to the following:
  - a. One copy to the ADEQ Phoenix Water Quality Enforcement Unit, and
  - b. One copy to the ADEQ Regional Office (NRO, SRO only).
3. One copy of each inventory update form for the ADEQ Facility Inventory shall be sent to the ADEQ Phoenix office (Attention: Water Quality Data Unit Manager) within five working days of the end of the month that the updated information was recorded. Inventory update information shall be verified during each inspection. A form shall be submitted following each inspection which shall record the inspection date, the operation and maintenance compliance status, and contain any

changes pertinent to the ADEQ Facilities Inventory system. An inventory update form shall be submitted following the issuance of any Approval of Construction certificate for a new water supply or new wastewater system, including any alternate on-site wastewater disposal system covered by this agreement.

4. For each project approved that the LA believes may require a groundwater, aquifer protection, reuse, underground injection control or federal discharge permit, the LA shall submit two copies of each Approval to Construct certificate and each Approval of Construction certificate, within five working days of the end of the month that the certificates were issued.
  - a. One copy of each certificate shall be sent to the ADEQ Phoenix office (Attention: Water Permits Section).
  - b. The second copy of each certificate shall be sent to the appropriate ADEQ field engineer office (NRO, SRO or Phoenix Water Quality Enforcement Unit).
5. A monthly summary of drinking water-related activities shall be submitted to ADEQ (Attention: Drinking Water Section Manager) within five working days of the end of the reporting period. A monthly summary of wastewater related activities, shall be sent to ADEQ (Attention: Water Quality Compliance Section Manager) within five working days of the end of the reporting period. These reports shall contain, at a minimum, the following:
  - a. A list of drinking water and wastewater systems for which inspection reports were completed under this Agreement during the month. For drinking water, copies of inspection reports and inventory sheets will be included. The operation and maintenance compliance status shall be indicated for each inspection.
  - b. A list of drinking water and wastewater systems for which administrative, civil, or criminal actions were initiated under this Agreement during the month. For drinking water, copies of enforcement actions will be included.
  - c. Tallies of the number of items completed by program area in the following categories, as appropriate, during the month:
    - (i) site suitability inspections;
    - (ii) plan reviews completed;
    - (iii) construction inspections;
    - (iv) construction approvals issued; and
    - (v) complaints handled.

#### **F. Agency Contact Persons:**

The following LA Employee has been designated as responsible for administering the functions and duties

pursuant to this Appendix. The LA shall provide written notice of any successor.

Name: Ronald D. Spinar, P.E.  
Title: City Engineer  
Address: City of Flagstaff Engineering Division  
211 W Aspen Ave  
Flagstaff, AZ 86001

The following employees have been designated as responsible for administering the functions and duties pursuant to this Appendix. The ADEQ shall provide written notice of any successor.

Name: Jeff Stuck  
Title: Manager, Drinking Water Section  
Address: Arizona Department of Environmental Quality  
3033 N. Central Avenue  
Phoenix, AZ 85012

Name: Mike Traubert  
Title: Manager, Water Quality Compliance Section  
Address: Arizona Department of Environmental Quality  
3033 N. Central Avenue  
Phoenix, AZ 85012

The naming of a successor to any of the above individuals shall not require the re-execution of or an amendment to this Agreement.

